IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.547 OF 2005

In

WRIT PETITION NO.2528 OF 2005

Mr.Michael Simon Misquitta & Ors. : Petitioners

V/s.

Municipal Corporation of Greater Bombay

& Ors. : Respondents

...

Mr.Vijay Sutrale for the petitioners.

Ms Preeti Purandare for respondent No.1.

Mr.Pramodkumar for respondent No.4.

Mr.R.D.Surana for respondent Nos.6 and 7.

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CORAM : H.L.GOKHALE & S.R.DONGAONKAR,JJ.

DATE : MARCH 10, 2006.

P.C.

1. Heard Mr.Sutrale in support of this Motion which seeks restoration of Writ Petition No.2528 of 2005 which came to be dismissed for default. An affidavit in support has been filed by the Constituted Attorney of the petitioners. He has given an explanation as to why the matter went by default. Ms Purandare appearing for respondent No.1, Mr.Pramodkumar appearing for respondent No.4 and Mr.Surana appearing for respondent Nos.6 and 7, object to the

restoration of the petition. However, we find that there was no interim order passed in the petition to the prejudice of the respondents.

2. In the circumstances, we accept the explanation given in the supporting affidavit and allow this Motion in terms of prayer clause (a).

3. As far as costs are concerned, the learned counsel appearing for the respective respondents leave it to the Court. The petitioners will pay costs of Rs.1500/- to respondent Nos.1, 4 and 6 & 7.

4. The petitioners will give inspection of the documents relied upon by the respondents within one week from today.

5. The main petition now be listed for admission on 27.3.2006.

H.L. GOKHALE, J.

S.R.DONGAONKAR, J.